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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,038	02/23/2004	Kil-soo Jung	1101.0111	3802

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North Star Intellectual Property Law, PC
P.O. Box 34688
Washington, DC 20043

EXAMINER

ADEGEYE, OLUWASEUN

ART UNIT	PAPER NUMBER
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2481

NOTIFICATION DATE	DELIVERY MODE
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01/12/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/783,038	Applicant(s) JUNG ET AL.	
	Examiner OLUWASEUN A. ADEGEYE	Art Unit 2481	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/27/2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 6, 32 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 6, 32 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/23/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/27/2010 with respect to claim 1 have been fully considered but they are not persuasive.

In re pages 2 - 3, applicants argue that the Kumar reference does not disclose that the sub-audio system time clock counter continuously increases even if a user inputs a reverse play or forward play command. In response, the examiner respectfully disagrees. First of all, the claim recites the "or" limitation and that means that one of the cited references just has to cover either the sub-audio system time clock counter continuously increases even if a user inputs a reverse play command or the sub-audio system time clock counter continuously increases even if a user inputs a the forward play command. The second part where the sub-audio system time clock counter continuously increases even if a user inputs a the forward play command is well known in the art where a user pushes the fast forward button while watching a movie and both the audio and the video of the movie both get fast-forwarded. Therefore because of the "or" limitation cited in the last element in claim 1, the examiner only needs to address either one of the limitations. The examiner brought in the Kumar reference to address the first part just to cover both parts of the claim because column 6, lines 58 - 62 of Kumar clearly discloses that the video can be displayed either in the forward or reverse direction whereas the audio can be controlled independently of the video which means that the audio does not have to move in the same direction as the video and for them to be independent they must have separate system time clocks.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 34 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Said claim discloses an "information storage medium" (line 1). Both said claim and the respective specification ("The computer-readable recording medium includes all kinds of recording devices on which data can be written in a computer-readable manner, such as a ROM, a RAM, a CD-ROM, a magnetic tape, a floppy disk, an optical data storage, and a carrier wave (e.g., data transmission through the Internet)." - page 18, paragraph. 82) fail to disclose whether said "information storage medium" is limited to a non-transitory medium or transitory propagating signal. Reading said claim under the broadest reasonable interpretation "information storage medium" is considered to read on a transitory propagating signal. See the Subject Matter Eligibility of Computer Readable Media memo dated February, 23 2010 (1351 OG 212). A claim directed to only signals per se is not a process, machine, manufacture, or composition of matter and therefore is not directed to statutory subject matter. See MPEP § 2106. Thus, both said claim and said specification fail to define said " information storage medium" to be statutory media.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 6, 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonomura (US 2003/0108338 A1) in view of Baldwin et al (US 6,975,363 B1) and Kumar et al (US 6,230,162 B1).

As to **claim 1**, Nonomura discloses a reproducing apparatus for reproducing data from an optical disc to provide a brows able slide show (see [154] and [155].”....”browsable mode”...” – see [154]), the reproducing apparatus comprising:

a pickup configured to read mainstream packet data and sub-audio packet data corresponding to the mainstream packet data from the optical disc (100) (see [225], [233]. The above cited paragraphs disclose a DVD player)

a mainstream decoder (fig. 23, 88) configured to decode the mainstream packet data (see [95] and [251]. Paragraph 251 discloses decoding a video object stream.” The VOB system decoder section 88 receives a VOB stream”);

a sub-audio decoder (fig. 23,103, 104) configured to decode the sub-audio packet data (see [255], [256]. Paragraph 256 discloses an audio decoder);

a mainstream system time clock counter configured to provide a system time clock sequence which is used for decoding of the mainstream packet data by the mainstream decoder (see [224]. “.... The decoder refers to the STC” – [224]); and

a sub-audio system time clock counter configured to provide a system time clock sequence which is used for decoding of the sub-audio packet data by the sub-audio decoder (see [225] and [226]. “..... The decoder refers to the STC” - [226]).

wherein the sub-audio packet data is reproduced together with the mainstream packet data (see [225]. “..... It can be considered that the post-decoding data of the plurality of ASVOBs to be reproduced in synchronization with the AOB” – [225]).

However Nonomura does not disclose two different STC counters.

Baldwin discloses two independent and separate clocks (see fig. 3 and column 6, lines 27 – 36 and column 3, lines 4 - 7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used two independent and separate clocks taught by Baldwin to the apparatus of Nonomura to provide a system for allowing more flexible control of the video and audio presentation speeds (see column 2, lines 47 – 49).

Nomura in view of Baldwin does not disclose that the sub-audio time clock counter continuously increases even if a user inputs a reverse play or forward play command.

Kumar discloses that the sub-audio time clock counter continuously increases even if a user inputs a reverse play or forward play command (see column 6, lines 58 – 62. First of all, the claim recites the "or" limitation and that means that one of the cited references just has to cover either the sub-audio system time clock counter continuously increases even if a user inputs a reverse play command or the sub-audio system time clock counter continuously increases even if a user inputs a the forward

Art Unit: 2481

play command. The second part where the sub-audio system time clock counter continuously increases even if a user inputs a the forward play command is well known in the art where a user pushes the fast forward button while watching a movie and both the audio and the video of the movie both get fast-forwarded.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the function of independently controlling the audio even if a user displays the video in a forward or reverse direction as taught by Kumar to the apparatus of Nonomura in view of Baldwin to provide an apparatus where a user can control the display of video independently of the audio so that a user is not forced to listen to the same audio throughout the display of the video.

As to **claim 2**, Nonomura in view of Baldwin and Kumar discloses the reproducing apparatus of claim 1. Nonomura discloses wherein the mainstream packet data comprises image data configured to be reproduced in a browsable slide show (see [94], [95], [154] and [155].”....”browsable mode”...” – see [154]).

As to **claim 3**, Nonomura in view of Baldwin and Kumar discloses the reproducing apparatus of claim 2. Nonomura discloses wherein the sub-audio packet data comprises audio data attached to the image data (see [225]. “..... It can be considered that the post-decoding data of the plurality of ASVOBs to be reproduced in synchronization with the AOB” – [225]).

As to **claim 4**, Nonomura in view of Baldwin and Kumar discloses the reproducing apparatus of claim 3. Nonomura discloses further comprising:

a mainstream buffer (96) configured to store the image data (see [253] and [254].
“... temporarily stored in the video buffer 96 “– [254]); and

a sub-audio buffer (99) configured to store the audio data (see [256]. “....
temporarily stored in the audio buffer 99 “).

wherein the apparatus can seamlessly reproduce the audio data when a forward
or reverse play (see [242]. The above paragraph discloses various trick play modes
such as fast forward and rewinding) is selected during the browsable slide show (see
[154] and [155]. The above paragraph discloses a browsable mode).

As to **claim 5**, Nonomura in view of Baldwin and Kumar discloses the
reproducing apparatus of claim 2. Nonomura discloses wherein the mainstream system
time clock counter is further configured to provide a system time clock sequence to the
mainstream decoder for each image included in the mainstream packet data (see [224]
“.... The decoder refers to the STC to output the audio information and the still picture
information” – [224]).

As to **claim 6**, Nonomura in view of Baldwin and Kumar discloses the decoding
apparatus of claim 1. Nonomura discloses wherein an output of the mainstream system
time clock counter is initialized (reset) based on a predetermined reference value
specified in the mainstream packet data (see [224]. “... An STC, which is a reference
clock, is reset”).

As to **claim 32**, grounds for rejecting claim 1 apply to claim 34 in its entirety.

As to **claim 34**, grounds for rejecting claim 1 apply to claim 34 in its entirety.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUWASEUN A. ADEGEYE whose telephone number is (571)270-1711. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter-Anthony Pappas can be reached on 571-272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/783,038

Page 9

Art Unit: 2481

12/19/2010

/O.A/

/Peter-Anthony Pappas/

Supervisory Patent Examiner, Art Unit 2481